

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRUCE PORCELL, an individual, and all
others similarly situated,

Plaintiff,

vs.

CASE NO. CIV-08-0617 MCA/LFG

LINCOLN WOOD PRODUCTS, INC. and
DOES 1 through 10 inclusive,

Defendant.

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

Plaintiff, Bruce Porcell, by and through his attorneys, Karen S. Mendenhall and Strange & Carpenter (Brian Strange/Gretchen Carpenter/Tamina Madsen), and Defendant, Lincoln Wood Products, Inc., by and through its counsel, Moses, Dunn, Farmer & Tuthill, P.C. (Terry D. Farmer) and Foley & Lardner LLP (Gordon Davenport III/Michael D. Leffel/Theresa A. Andre/Matthew R. Lynch), pursuant to F.R.Civ.P. 41(a) and D.N.M. LR-Civ. 7.2, hereby stipulate to and request an order of this Court dismissing with prejudice all claims that were, or could have been, raised by Mr. Porcell in *Plaintiff's First Amended Complaint for (1) Breach of Express Warranty and (2) Unfair and Deceptive Business Practices* and requiring each party bear its own costs and fees.

Dated this 17 day of September, 2010.

Respectfully submitted,

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EXHIBIT A

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LINCOLN WOOD PRODUCTS, INC. and
DOES 1 through 10 inclusive,

Defendant.

ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER having come before the Court on the Stipulated Motion For Dismissal with prejudice filed herein, and the Court having been fully advised in the premises, finds that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims that were, or could have been, raised by Mr. Porcell in the *Plaintiff's First Amended Complaint for (1) Breach of Express Warranty and (2) Unfair and Deceptive Business Practices* shall be and hereby are dismissed with prejudice. Each party shall bear its own costs and fees.

Dated this ____ day of _____, 2010.

M. CHRISTINA ARMIJO
U.S. DISTRICT COURT JUDGE

Submitted and Approved by:

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2010, I presented the foregoing to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the following parties or counsel as follows:

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